

AMENDED IN ASSEMBLY JUNE 21, 2011

AMENDED IN SENATE MARCH 24, 2011

SENATE BILL

No. 843

Introduced by Senator Wolk

February 18, 2011

~~An act to amend Sections 1010 and 1011 of the Military and Veterans Code, relating to veterans. An act to amend Sections 216 and 218 of, to repeal Section 2826.5 of, and to repeal and add Chapter 7.5 (commencing with Section 2830) of Part 2 of Division 1 of, the Public Utilities Code, relating to energy.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 843, as amended, Wolk. ~~Veterans' Home of California. Energy: electrical corporations: City of Davis PVUSA solar facility: Community-Based Renewable Energy Self-Generation Program.~~

(1) Under existing law, the Public Utilities Commission has regulatory jurisdiction over public utilities, including electrical corporations, as defined. Existing law authorizes the commission to fix the rates and charges for every public utility, and requires that those rates and charges be just and reasonable. Under existing law, the local government renewable energy self-generation program authorizes a local government, as defined, to receive a bill credit, as defined, to be applied to a designated benefiting account for electricity exported to the electrical grid by an eligible renewable generating facility, as defined, and requires the commission to adopt a rate tariff for the benefiting account.

This bill would repeal these provisions and enact the Community-Based Renewable Energy Self-Generation Program. The program would authorize a retail customer of an electrical corporation

to purchase a subscription, as defined, in a community facility, as defined, for the purpose of receiving a bill credit, as defined, to offset all or a portion of the customer's electricity usage, consistent with specified requirements. Under existing law, a violation of the Public Utilities Act or any order, decision, rule, direction, demand, or requirement of the commission is a crime.

Because the provisions of the bill would require action by the commission to implement its requirements, a violation of these provisions would impose a state-mandated local program by expanding the definition of a crime.

The bill would provide that any corporation or person engaged directly or indirectly in developing, producing, delivering, participating in, or selling interests in, a community facility is not a public utility or electrical corporation solely by reason of engaging in any of those activities.

(2) Existing law authorizes the City of Davis to receive a bill credit, as defined, to a benefiting account, as defined, for electricity supplied to the electrical grid by a photovoltaic electricity generation facility located within, and partially owned by, the city (PVUSA solar facility) and requires the commission to adopt a rate tariff for the benefiting account.

This bill would repeal these provisions relating to the City of Davis.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law provides for the establishment and operation of the Veterans' Home of California at various sites, and for an administrator for each home or homesite. Existing law defines "administrator" to mean the Administrator of the Veterans' Home of California, Yountville, and the Administrator of the Veterans' Home of California, Barstow.~~

~~This bill would update that definition to include the Administrators of the Veterans' Home of California, Chula Vista, the Veterans' Home of California, Ventura, the Veterans' Home of California, Lancaster, and the Veterans' Home of California, West Los Angeles.~~

~~Existing law declares that there is in the Department of Veterans Affairs a Veterans' Home of California, Yountville, authorizes the~~

department to construct a second and additional homes and declares that the second home is a new state function.

~~This bill would update that provision to declare that additionally there are in the department a Veterans' Home of California, Barstow, a Veterans' Home of California, Chula Vista, a Veterans' Home of California, Lancaster, a Veterans' Home of California, Ventura, and a Veterans' Home of California, West Los Angeles. This bill would also declare that all homes are a new state function.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 216 of the Public Utilities Code is*
2 *amended to read:*

3 216. (a) "Public utility" includes every common carrier, toll
4 bridge corporation, pipeline corporation, gas corporation, electrical
5 corporation, telephone corporation, telegraph corporation, water
6 corporation, sewer system corporation, and heat corporation, where
7 the service is performed for, or the commodity is delivered to, the
8 public or any portion thereof.

9 (b) Whenever any common carrier, toll bridge corporation,
10 pipeline corporation, gas corporation, electrical corporation,
11 telephone corporation, telegraph corporation, water corporation,
12 sewer system corporation, or heat corporation performs a service
13 for, or delivers a commodity to, the public or any portion thereof
14 for which any compensation or payment whatsoever is received,
15 that common carrier, toll bridge corporation, pipeline corporation,
16 gas corporation, electrical corporation, telephone corporation,
17 telegraph corporation, water corporation, sewer system corporation,
18 or heat corporation, is a public utility subject to the jurisdiction,
19 control, and regulation of the commission and the provisions of
20 this part.

21 (c) When any person or corporation performs any service for,
22 or delivers any commodity to, any person, private corporation,
23 municipality, or other political subdivision of the state, that in turn
24 either directly or indirectly, mediately or immediately, performs
25 that service for, or delivers that commodity to, the public or any
26 portion thereof, that person or corporation is a public utility subject

1 to the jurisdiction, control, and regulation of the commission and
2 the provisions of this part.

3 (d) Ownership or operation of a facility that employs
4 cogeneration technology or produces power from other than a
5 conventional power source or the ownership or operation of a
6 facility which employs landfill gas technology does not make a
7 corporation or person a public utility within the meaning of this
8 section solely because of the ownership or operation of that facility.

9 (e) Any corporation or person engaged directly or indirectly in
10 developing, producing, transmitting, distributing, delivering, or
11 selling any form of heat derived from geothermal or solar resources
12 or from cogeneration technology to any privately owned or publicly
13 owned public utility, or to the public or any portion thereof, is not
14 a public utility within the meaning of this section solely by reason
15 of engaging in any of those activities.

16 (f) The ownership or operation of a facility that sells compressed
17 natural gas at retail to the public for use only as a motor vehicle
18 fuel, and the selling of compressed natural gas at retail from that
19 facility to the public for use only as a motor vehicle fuel, does not
20 make the corporation or person a public utility within the meaning
21 of this section solely because of that ownership, operation, or sale.

22 (g) Ownership or operation of a facility that is an exempt
23 wholesale generator, as defined in the Public Utility Holding
24 Company Act of 2005 (42 U.S.C. Sec. 16451(6)), does not make
25 a corporation or person a public utility within the meaning of this
26 section, solely due to the ownership or operation of that facility.

27 (h) The ownership, control, operation, or management of an
28 electric plant used for direct transactions or participation directly
29 or indirectly in direct transactions, as permitted by subdivision (b)
30 of Section 365, sales into a market established and operated by the
31 Independent System Operator or any other wholesale electricity
32 market, or the use or sale as permitted under subdivisions (b) to
33 (d), inclusive, of Section 218, shall not make a corporation or
34 person a public utility within the meaning of this section solely
35 because of that ownership, participation, or sale.

36 (i) *A corporation or person engaged directly or indirectly in*
37 *developing, producing, delivering, participating in, or selling*
38 *interests in, a community facility pursuant to Chapter 7.5*
39 *(commencing with Section 2830) of Part 2, is not a public utility*

1 *within the meaning of this section solely by reason of engaging in*
2 *any of those activities.*

3 *SEC. 2. Section 218 of the Public Utilities Code is amended*
4 *to read:*

5 218. (a) “Electrical corporation” includes every corporation
6 or person owning, controlling, operating, or managing any electric
7 plant for compensation within this state, except where electricity
8 is generated on or distributed by the producer through private
9 property solely for its own use or the use of its tenants and not for
10 sale or transmission to others.

11 (b) “Electrical corporation” does not include a corporation or
12 person employing cogeneration technology or producing power
13 from other than a conventional power source for the generation of
14 electricity solely for any one or more of the following purposes:

15 (1) Its own use or the use of its tenants.

16 (2) The use of or sale to not more than two other corporations
17 or persons solely for use on the real property on which the
18 electricity is generated or on real property immediately adjacent
19 thereto, unless there is an intervening public street constituting the
20 boundary between the real property on which the electricity is
21 generated and the immediately adjacent property and one or more
22 of the following applies:

23 (A) The real property on which the electricity is generated and
24 the immediately adjacent real property is not under common
25 ownership or control, or that common ownership or control was
26 gained solely for purposes of sale of the electricity so generated
27 and not for other business purposes.

28 (B) The useful thermal output of the facility generating the
29 electricity is not used on the immediately adjacent property for
30 petroleum production or refining.

31 (C) The electricity furnished to the immediately adjacent
32 property is not utilized by a subsidiary or affiliate of the corporation
33 or person generating the electricity.

34 (3) Sale or transmission to an electrical corporation or state or
35 local public agency, but not for sale or transmission to others,
36 unless the corporation or person is otherwise an electrical
37 corporation.

38 (c) “Electrical corporation” does not include a corporation or
39 person employing landfill gas technology for the generation of
40 electricity for any one or more of the following purposes:

1 (1) Its own use or the use of not more than two of its tenants
2 located on the real property on which the electricity is generated.

3 (2) The use of or sale to not more than two other corporations
4 or persons solely for use on the real property on which the
5 electricity is generated.

6 (3) Sale or transmission to an electrical corporation or state or
7 local public agency.

8 (d) “Electrical corporation” does not include a corporation or
9 person employing digester gas technology for the generation of
10 electricity for any one or more of the following purposes:

11 (1) Its own use or the use of not more than two of its tenants
12 located on the real property on which the electricity is generated.

13 (2) The use of or sale to not more than two other corporations
14 or persons solely for use on the real property on which the
15 electricity is generated.

16 (3) Sale or transmission to an electrical corporation or state or
17 local public agency, if the sale or transmission of the electricity
18 service to a retail customer is provided through the transmission
19 system of the existing local publicly owned electric utility or
20 electrical corporation of that retail customer.

21 (e) “Electrical corporation” does not include an independent
22 solar energy producer, as defined in Article 3 (commencing with
23 Section 2868) of Chapter 9 of Part 2.

24 (f) The amendments made to this section at the 1987 portion of
25 the 1987–88 Regular Session of the Legislature do not apply to
26 any corporation or person employing cogeneration technology or
27 producing power from other than a conventional power source for
28 the generation of electricity that physically produced electricity
29 prior to January 1, 1989, and furnished that electricity to
30 immediately adjacent real property for use thereon prior to January
31 1, 1989.

32 (g) *A corporation or person engaged directly or indirectly in*
33 *developing, producing, delivering, participating in, or selling*
34 *interests in, a community facility pursuant to Chapter 7.5*
35 *(commencing with Section 2830) of Part 2, is not an electrical*
36 *corporation within the meaning of this section solely by reason of*
37 *engaging in any of those activities.*

38 SEC. 3. Section 2826.5 of the Public Utilities Code is repealed.

39 ~~2826.5. (a) As used in this section, the following terms have~~
40 ~~the following meanings:~~

1 (1) “Benefiting account” means an electricity account, or more
2 than one account, mutually agreed upon by Pacific Gas and Electric
3 Company and the City of Davis.

4 (2) “Bill credit” means credits calculated based upon the
5 electricity generation component of the rate schedule applicable
6 to a benefiting account, as applied to the net metered quantities of
7 electricity.

8 (3) “PVUSA” means the photovoltaic electricity generation
9 facility selected by the City of Davis, located at 24662 County
10 Road, Davis, California, with a rated peak electricity generation
11 capacity of 600 kilowatts, and as it may be expanded, not to exceed
12 one megawatt of peak generation capacity.

13 (4) “Net metered” means the electricity output from the PVUSA.

14 (5) “Environmental attributes” associated with the PVUSA
15 include, but are not limited to, the credits, benefits, emissions
16 reductions, environmental air quality credits, and emissions
17 reduction credits, offsets, and allowances, however entitled
18 resulting from the avoidance of the emission of any gas, chemical,
19 or other substance attributable to the PVUSA.

20 (b) The City of Davis may elect to designate a benefiting
21 account, or more than one account, to receive bill credit for the
22 electricity generated by the PVUSA, if all of the following
23 conditions are met:

24 (1) A benefiting account receives service under a time-of-use
25 rate schedule.

26 (2) The electricity output of the PVUSA is metered for time of
27 use to allow allocation of each bill credit to correspond to the
28 time-of-use period of a benefiting account.

29 (3) All costs associated with the metering requirements of
30 paragraphs (1) and (2) are the responsibility of the City of Davis.

31 (4) All electricity delivered to the electrical grid by the PVUSA
32 is the property of Pacific Gas and Electric Company.

33 (5) PVUSA does not sell electricity delivered to the electrical
34 grid to a third party.

35 (6) The right, title, and interest in the environmental attributes
36 associated with the electricity delivered to the electrical grid by
37 the PVUSA are the property of Nuon Renewable Ventures USA,
38 LLC.

39 (c) A benefiting account shall be billed on a monthly basis, as
40 follows:

1 ~~(1) For all electricity usage, the rate schedule applicable to the~~
2 ~~benefiting account, including any surcharge, exit fee, or other cost~~
3 ~~recovery mechanism, as determined by the commission, to~~
4 ~~reimburse the Department of Water Resources for purchases of~~
5 ~~electricity, pursuant to Division 27 (commencing with Section~~
6 ~~80000) of the Water Code.~~

7 ~~(2) The rate schedule for the benefiting account shall also~~
8 ~~provide credit for the generation component of the time-of-use~~
9 ~~rates for the electricity generated by the PVUSA that is delivered~~
10 ~~to the electrical grid. The generation component credited to the~~
11 ~~benefiting account may not include the surcharge, exit fee, or other~~
12 ~~cost recovery mechanism, as determined by the commission, to~~
13 ~~reimburse the Department of Water Resources for purchases of~~
14 ~~electricity, pursuant to Division 27 (commencing with Section~~
15 ~~80000) of the Water Code.~~

16 ~~(3) If in any billing cycle, the charge pursuant to paragraph (1)~~
17 ~~for electricity usage exceeds the billing credit pursuant to paragraph~~
18 ~~(2), the City of Davis shall be charged for the difference.~~

19 ~~(4) If in any billing cycle, the billing credit pursuant to paragraph~~
20 ~~(2), exceeds the charge for electricity usage pursuant to paragraph~~
21 ~~(1), the difference shall be carried forward as a credit to the next~~
22 ~~billing cycle.~~

23 ~~(5) After the electricity usage charge pursuant to paragraph (1)~~
24 ~~and the credit pursuant to paragraph (2) are determined for the last~~
25 ~~billing cycle of a calendar year, any remaining credit resulting~~
26 ~~from the application of this section shall be reset to zero.~~

27 ~~(d) Not more frequently than once per year, and upon providing~~
28 ~~Pacific Gas and Electric Company with a minimum of 60 days~~
29 ~~notice, the City of Davis may elect to change a benefiting account.~~
30 ~~Any credit resulting from the application of this section earned~~
31 ~~prior to the change in a benefiting account that has not been used~~
32 ~~as of the date of the change in the benefit account, shall be applied;~~
33 ~~and may only be applied, to a benefiting account as changed.~~

34 ~~(e) Pacific Gas and Electric Company shall file an advice letter~~
35 ~~with the Public Utilities Commission, that complies with this~~
36 ~~section, not later than 10 days after the effective date of this section,~~
37 ~~proposing a rate tariff for a benefiting account. The commission,~~
38 ~~within 30 days of the date of filing, shall approve the proposed~~
39 ~~tariff, or specify conforming changes to be made by Pacific Gas~~
40 ~~and Electric Company to be filed in a new advice letter.~~

~~(f) The City of Davis may terminate its election pursuant to subdivision (b), upon providing Pacific Gas and Electric Company with a minimum of 60 days notice. Should the City of Davis sell its interest in the PVUSA, or sell the electricity generated by the PVUSA, in a manner other than required by this section, upon the date of either event, and the earliest date if both events occur, no further bill credit pursuant to paragraph (2) of subdivision (b) may be earned. Only credit earned prior to that date shall be made to a benefiting account.~~

~~(g) The Legislature finds and declares that credit for a benefiting account for the electricity output from the PVUSA are in the public interest in order to value the production of this unique, wholly renewable resource electricity generation facility located in, and owned in part by, the City of Davis. Because of the unique circumstances applicable only to the PVUSA a statute of general applicability cannot be enacted within the meaning of subdivision (b) of Section 16 of Article IV of the California Constitution. Therefore, this special statute is necessary.~~

SEC. 4. Chapter 7.5 (commencing with Section 2830) of Part 2 of Division 1 of the Public Utilities Code is repealed.

SEC. 5. Chapter 7.5 (commencing with Section 2830) is added to Part 2 of Division 1 of the Public Utilities Code, to read:

*CHAPTER 7.5. COMMUNITY-BASED RENEWABLE ENERGY
SELF-GENERATION PROGRAM*

2830. The Legislature finds and declares all of the following:

(a) Despite the fact that all customers of California electrical corporations fund current self-generation programs, residential and commercial renters, small businesses, public entities, and low- and moderate-income Californians usually do not have the ability to participate fully in current self-generation programs. The purpose of this chapter is to provide all Californians with the opportunity to self-generate electricity utilizing renewable energy resources through the Community-Based Renewable Energy Self-Generation Program. It is in the public interest to promote broader participation in self-generation by California residents, public agencies, and businesses by the development of community renewable energy self-generation facilities in which participants

1 are entitled to generate and receive electricity generated by
2 renewable energy resources through an over-the-fence transaction.

3 (b) It is the intent of the Legislature that public schools have
4 the authority to invest in renewable energy self-generation facilities
5 to generate electricity as provided in this chapter. Energy usage
6 is one of the most significant cost pressures facing public schools
7 at a time when schools have been forced to cut essential programs,
8 increase classroom sizes, and send pink slips to teachers
9 throughout the state. Schools may use the savings for restoring
10 funds for salaries, student achievement, facility maintenance, and
11 other budgetary needs. The renewable energy self-generation
12 projects that will go forward under this chapter would create new
13 green construction jobs, stimulate the economy, generate funding,
14 and provide more electricity generated by clean, renewable sources
15 to customers.

16 (c) Community-based renewable energy self-generation facilities
17 will contribute to the achievement of the 33 percent renewables
18 portfolio standard in a cost-effective manner and will assist in
19 meeting the state's zero net energy buildings goals. This chapter
20 provides job creation, environmental protection, and school
21 funding for those who choose to make the investment in
22 community-based renewable energy self-generation facilities.

23 2831. As used in this chapter, the following terms have the
24 following meanings:

25 (a) "Allocated credit" means the percentage of the gross credit
26 that will be further allocated to an individual benefiting account.

27 (b) "Benefiting account" means one or more accounts
28 designated to receive a bill credit pursuant to Section 2832.

29 (c) "Bill credit" means an amount of money credited to one or
30 more benefiting accounts based on the percentage share of the
31 community facility that is assigned to the account.

32 (d) "Community facility" means a facility for the generation of
33 electricity that meets all of the following requirements:

34 (1) Has a generating capacity of no more than 20 megawatts.

35 (2) Is an eligible renewable energy resource pursuant to Article
36 16 (commencing with Section 399.11) of Chapter 2.3 of Part 1.

37 (3) The electrical output of the facility is measured by a
38 production meter capable of recording production in real time.

39 (4) Sells subscriptions to the electrical output of the facility.

40 (5) Is located in California.

1 (e) “Gross credit” means the metered kilowatthours of electrical
2 output of the community facility exported to the grid, as measured
3 at the point of common coupling.

4 (f) “Local government” means a city, county, city and county,
5 special district, school district, political subdivision, or other local
6 governmental entity.

7 (g) “Subscriber” means a retail customer of an electrical
8 corporation who owns a subscription and who has designated one
9 or more benefiting accounts to which the subscription shall be
10 attributed, including a local government, the California Community
11 Colleges, the California State University, and the University of
12 California.

13 (h) “Subscriber organization” means any for-profit or nonprofit
14 organization or business, created and operating pursuant to law,
15 whose purpose is to beneficially own or operate a community
16 facility for the subscribers to the community facility.

17 (i) “Subscription” means an interest in a community facility.

18 2832. (a) (1) A retail customer of an electrical utility may
19 purchase a subscription in a community facility for the purpose
20 of self-generation. The subscriber shall designate one or more
21 benefiting accounts to which the subscription shall be attributed.

22 (2) To be eligible to be designated as a benefiting account, the
23 account shall be for service to premises located within the
24 geographical boundaries of the service territory of the electrical
25 corporation containing the community facility, or within the
26 geographical boundaries of a contiguous service territory, if the
27 electrical corporation or local publicly owned electric utility for
28 that service territory have entered into an agreement enabling the
29 connection of the benefiting account to the community facility.

30 (b) (1) Each subscription shall be sized to represent at least
31 one kilowatt of the community facility’s generating capacity.

32 (2) A subscriber shall not purchase more than 2 megawatts of
33 capacity in any single community facility. This subdivision does
34 not apply to a local government.

35 (3) A subscriber organization may beneficially own or operate
36 a community facility for the subscribers to the community facility.
37 A community facility may be built, owned, or operated by a third
38 party under contract with a subscriber organization.

1 (4) *Prior to a sale of a subscription, the subscriber organization*
2 *shall provide a disclosure to the customer that, at a minimum,*
3 *includes all of the following:*

4 (A) *A good faith estimate of the annual kilowatthours to be*
5 *delivered by the community facility based on the size of the*
6 *subscription.*

7 (B) *A plain language explanation of the terms under which the*
8 *bill credits will be calculated.*

9 (C) *A plain language explanation of the contract provisions*
10 *regulating the disposition or transfer of the subscription.*

11 (5) *The commission shall not regulate the prices paid for the*
12 *shares of a community facility.*

13 (c) *Local governments may aggregate their loads for the purpose*
14 *of participating in a community facility pursuant to this section.*

15 (d) (1) *A subscriber organization shall provide to the electrical*
16 *corporation information on the identity of the benefiting accounts*
17 *that will receive a bill credit pursuant to this section not less than*
18 *30 days prior to the commencement of the operations of the*
19 *community facility.*

20 (2) *For a local government that elects to aggregate its loads*
21 *for the purpose of purchasing a subscription, if the local*
22 *government has more than one benefiting account, the owner or*
23 *operator of the facility shall designate the specific accounts and*
24 *percentage allocations to which the bill credit shall apply.*

25 (3) *A subscriber organization shall be responsible for all costs*
26 *of metering and shall retain production data for a period of 36*
27 *months. The subscriber organization shall provide real-time meter*
28 *data to the electrical corporation and shall make the data available*
29 *to the subscribers upon request.*

30 (e) (1) *Not more frequently than once per month, and upon*
31 *providing the electrical corporation with a minimum of 30 days'*
32 *notice, the subscriber organization may change, add, or remove*
33 *a benefiting account. If the owner of a benefiting account transfers*
34 *service to a new benefiting account, the electrical corporation*
35 *shall transfer any credit remaining from the previous account to*
36 *the new account.*

37 (2) *A subscriber organization shall be responsible for providing*
38 *to the electrical corporation, on a monthly basis, the percentage*
39 *shares to be used to determine the bill credit to each benefiting*
40 *account.*

1 (f) *The following billing process shall be used when billing a*
2 *benefiting account:*

3 (1) *The subscriber shall be billed and is responsible for paying*
4 *all charges of the subscriber's otherwise applicable tariff,*
5 *including any cost-responsibility surcharge or other cost recovery*
6 *mechanism, as determined by the commission, to reimburse the*
7 *Department of Water Resources for purchases of electricity*
8 *pursuant to Division 27 (commencing with Section 80000) of the*
9 *Water Code. Community facilities shall not be subject to any other*
10 *departing load charge.*

11 (2) *Each month the subscriber organization shall determine the*
12 *allocated credits, in kilowatthours, that shall be applied to a*
13 *subscriber's benefiting account and provide that information to*
14 *the electrical corporation.*

15 (3) *The electrical corporation shall subtract the kilowatthours*
16 *of the allocated credit from the subscriber's metered usage to*
17 *determine the bill credit to be applied to the subscriber's bill. The*
18 *electrical corporation's charges shall apply to the kilowatthour*
19 *difference based upon the subscriber's otherwise applicable tariff.*
20 *Nongeneration charges shall additionally be applied to the*
21 *allocated credit, except that for community facilities that are*
22 *interconnected at the distribution level, the transmission component*
23 *of the subscriber's otherwise applicable tariff shall not be applied*
24 *to the allocated credits. The bill may reflect either a charge or a*
25 *credit.*

26 (4) *For a subscriber with an otherwise applicable tariff with*
27 *tiered rates, the subscriber organization shall first subtract*
28 *allocated credits from the highest tier of usage, and upon*
29 *exhaustion of that tier of usage, to the next highest tier, until all*
30 *of the allocated credit has been subtracted.*

31 (5) *For a subscriber with an otherwise applicable tariff with*
32 *time-of-use rates, the subscriber organization shall subtract*
33 *allocated credits for each time-of-use period from the energy usage*
34 *for that same time-of-use period.*

35 (6) *A subscriber shall pay their bill, if charges are owed, on a*
36 *monthly basis. Bill credits, if any, shall be carried over to the*
37 *following billing period.*

38 (g) *A subscriber organization shall provide not less than 120*
39 *days' notice to the electrical corporation prior to the date the*
40 *community facility becomes operational.*

1 (h) An electrical corporation shall ensure that requests for
2 establishment of bill credits and changes to benefiting accounts
3 are processed in a time period not to exceed 30 days from the date
4 it receives the request.

5 (i) If a subscriber sells or cancels its interest in, or contract
6 with the owner or operator of, the community facility, or sells the
7 electricity generated by the community facility in a manner that
8 is not authorized by this section, upon the date of that event, no
9 further bill credit may be earned pursuant to this section, and only
10 credit earned prior to that date may be assigned by the subscriber
11 organization to a new benefiting account.

12 (j) In lieu of departing load charges and charges for applying
13 the bill credits and to ensure that no costs are shifted from
14 subscribers to nonparticipating retail customers, the electrical
15 corporation shall own the renewable energy credits generated by
16 a community facility and the electricity generated by community
17 facilities shall be taken into account when determining if the
18 electrical corporation has met its renewables portfolio standard
19 procurement requirements pursuant to Article 16 (commencing
20 with Section 399.11) of Chapter 2.3 of Part 1.

21 (k) This section does not require an electrical corporation to
22 purchase electricity from a community facility.

23 (l) (1) A community facility may elect to provide electricity only
24 or electricity and capacity. An electrical corporation shall ensure
25 that a request for a distribution level interconnection agreement
26 from a community facility is processed in a time period not to
27 exceed 90 working days from the date the electrical corporation
28 receives a completed application for interconnection.

29 (2) All costs associated with interconnection are the
30 responsibility of the owner or operator of the community facility.
31 The community facility shall apply for transmission level
32 interconnections through the Independent System Operator's
33 generation interconnection process.

34 (m) An electrical utility shall cooperate fully with community
35 facilities to implement this section.

36 (n) An electrical utility shall comply with the requirements
37 applicable to commercial speech described in Public Utilities
38 Commission Decision 10-05-050 as applied to the development,
39 sale of subscriptions, and operation of community facilities.

1 *Community facilities may file a complaint with the commission*
2 *for violation of this subdivision.*

3 *SEC. 6. No reimbursement is required by this act pursuant to*
4 *Section 6 of Article XIII B of the California Constitution because*
5 *the only costs that may be incurred by a local agency or school*
6 *district will be incurred because this act creates a new crime or*
7 *infraction, eliminates a crime or infraction, or changes the penalty*
8 *for a crime or infraction, within the meaning of Section 17556 of*
9 *the Government Code, or changes the definition of a crime within*
10 *the meaning of Section 6 of Article XIII B of the California*
11 *Constitution.*

12 ~~SECTION 1. Section 1010 of the Military and Veterans Code~~
13 ~~is amended to read:~~

14 ~~1010. As used in this chapter:~~

15 ~~(a) "Home" means the Veterans' Home of California,~~
16 ~~Yountville, and the Veterans' Home of California, Barstow.~~

17 ~~(b) "Administrator" means the Administrator of the Veterans'~~
18 ~~Home of California, Yountville, and the Administrator of each site~~
19 ~~of the southern California Veterans' Home, including, but not~~
20 ~~limited to, the Veterans' Home of California, Barstow, the~~
21 ~~Veterans' Home of California, Chula Vista, the Veterans' Home~~
22 ~~of California, Ventura, the Veterans' Home of California,~~
23 ~~Lancaster, and the Veterans' Home of California, West Los~~
24 ~~Angeles.~~

25 ~~(c) "Department" means the Department of Veterans Affairs.~~

26 ~~(d) "Director" means the Director of Veterans Affairs.~~

27 ~~(e) "Veteran" means a member of the home.~~

28 ~~SEC. 2. Section 1011 of the Military and Veterans Code is~~
29 ~~amended to read:~~

30 ~~1011. (a) There is in the department a Veterans' Home of~~
31 ~~California, Yountville, situated at Veterans' Home, Napa County.~~

32 ~~(b) There is in the department a Veterans' Home of California,~~
33 ~~Barstow, situated in San Bernardino County.~~

34 ~~(c) There is in the department a Veterans' Home of California,~~
35 ~~Chula Vista, situated in San Diego County.~~

36 ~~(d) There is in the department a Veterans' Home of California,~~
37 ~~Lancaster, situated in Los Angeles County.~~

38 ~~(e) There is in the department a Veterans' Home of California,~~
39 ~~Ventura, situated in Ventura County.~~

1 ~~(f) There is in the department a Veterans' Home of California,~~
2 ~~West Los Angeles, situated in Los Angeles County.~~

3 ~~(g) The Legislature hereby finds and declares that the homes~~
4 ~~are a new state function. The department may perform any or all~~
5 ~~work in operating the homes by independent contractors, except~~
6 ~~the overall administration and management of the homes. Any and~~
7 ~~all actions of the department taken before September 17, 1996,~~
8 ~~that are consistent with this subdivision are hereby ratified and~~
9 ~~confirmed, it having at all times been the intent of the Legislature~~
10 ~~that the department be so authorized.~~

11 ~~(h) There shall be an administrator for each home or homesite,~~
12 ~~who shall be recommended by the Secretary of Veterans Affairs~~
13 ~~and appointed by the Governor, and shall be located at that home~~
14 ~~or homesite. The salary for each administrator shall be subject to~~
15 ~~the approval of the Department of Personnel Administration.~~